

Attorney's Docket No. 031599/270363

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Clougherty Confirmation No.: 1317
Appl No.: 10/780,402 Group Art Unit: 1732
Filed: February 17, 2004 Examiner: Mark Eashoo
For: METHOD AND APPARATUS FOR BLOW-MOLDING AN
ARTICLE HAVING A SOLID RADIALY OUTWARDLY
PROJECTING FLANGE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated September 15, 2005, in which the Examiner has required restriction between Group I, namely Claims 1-2, and Group II, namely Claims 3-12. Applicant hereby provisionally elects with traverse to prosecute the claims of Group II (Claims 3-12) and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

However, Applicant respectfully submits that the restriction requirement is improper and should be withdrawn. The Office Action, as grounds for requiring restriction, asserted that the apparatus as claimed can be used for injection molding wherein a tubular member that is closed at one end is not inflated. It is submitted that this is erroneous. The mold of claim 1 defines a cavity therein, but the claim does not recite that the cavity is tubular. Injection of molten thermoplastic into the cavity would not result in the formation of a tubular article, but rather a solid article filling the entire cavity. The only practical way to form a tubular article in the cavity is by disposing a tubular parison in the cavity and inflating the parison to expand against the inner wall of the cavity, as recited in Claim 3. Accordingly, it is submitted that the criteria for restriction are not met and Claims 1-2 should be examined together with Claims 3-12.

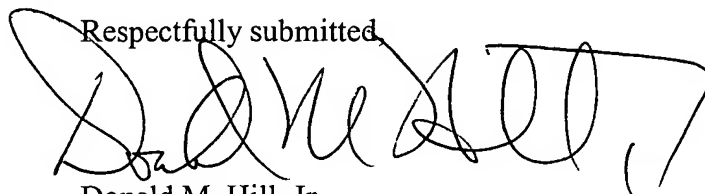
Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor

Appl No.: 10/780,402
Amdt. dated 10/10/2005
Reply to Restriction Requirement of September 15, 2005

(including fees for net addition of claims) is hereby authorized to be charged to Deposit Account
No. 16-0605.

Respectfully submitted,



Donald M. Hill, Jr.
Registration No. 40,646

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 11, 2005


Nancy McPartland

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